

REMARKS

The above-captioned patent application has been carefully reviewed in light of the non-final Office Action to which this Amendment is responsive. Claims 1 and 8 have been amended to incorporate the subject matter of Claims 5, 7 and 10, respectively. Claims 2, 3 and 9 have also been amended and Claims 5, 7 and 10 have been canceled. To that end, it is believed no new matter has been added.

Claims 1-11 are pending. Claims 1-6, 8, 9 and 11 have been rejected based on certain prior art. More particularly, Claims 1-2, 6, 8, 9 and 11 have been rejected under 35 USC §103(a) as being unpatentable over Carner et al. (U.S. Patent No. 6,622,925) in view of Harel et al. (U.S. Patent No. 6,366,195), and Claims 3-5 have been rejected under 35 USC §103(a) as being unpatentable over Carner et al. in view of Harel et al. and further in view of Kim et al. (U.S. Patent No. 5,710,981). Reconsideration is respectfully requested based on the amended claims and the following discussion.

Applicant gratefully acknowledges the allowability of Claims 7 and 10 over the art of record. The subject matter of these allowed claims has been added to independent Claims 1 and 8, respectively. Therefore, it is believed that the pending prior art rejections are moot. More particularly, Applicant has now amended Claim 1 to include the subject matter of Claims 5 and 7 and Claim 8 has been amended to include the subject matter of Claim 10 and a portion of Claim 9. Each of these independent claims now commonly recite allowable subject matter wherein minimum power levels are determined to successfully transmit messages using the algorithm programmed into the controller and that these power levels are stored into memory following successful transmission. The foregoing permits an acceptable power output level of transmission for the pager without requiring the entire algorithm having to be utilized for each use thereof by recognizing the power level needed. As acknowledged by the Examiner, none of Carner et al., Harel et al., and/or Kim et al., taken alone or in combination, describe, suggest or otherwise teach or infer these features. As such, it is believed the present amendment overcomes the pending rejections. It is not believed necessary, however, that the subject matter of each of the intervening dependent claims is necessary in order for Claims 1 and 8 to be patentably distinct.

Therefore, because amended Claims 1 and 8 are believed to be allowable, each of the remaining pending claims in the above-captioned application are also believed to be allowable for the same reasons. Withdrawal of the rejections is therefore respectfully requested.

In summary, it is believed the above-captioned patent application is now in an allowable condition and therefore an expedited Notice of Allowability is earnestly solicited.

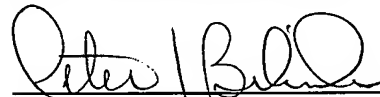
If the Examiner wishes to expedite disposition of the above-captioned patent application, he is invited to contact Applicant's representative at the telephone number below.

The Director is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-0289.

Respectfully submitted,

WALL MARJAMA & BILINSKI LLP

By:



Peter J. Bilinski
Reg. No. 35,067

PJB/scp
Telephone: (315) 425-9000

Customer No.: 20874